

THE LECOMPTON CONSTITUTION FOUNDED NEITHER  
IN LAW NOR THE WILL OF THE PEOPLE.

## SPEECH

OF

# HON. HENRY L. DAWES, OF MASSACHUSETTS.

Delivered in the U. S. House of Representatives, March 8, 1858.

The House being in Committee of the Whole  
on the state of the Union—

Mr. DAWES said :

Mr. Chairman, the increase of population has been so rapid in the Territories of the United States, that in three out of the seven now organized, Constitutions have already been framed with a view to their admission into the Union on an equal footing with the other States of the Confederacy. The President, in the discharge of the obligation which the Constitution imposes upon him, to recommend for our consideration such measures as he may judge necessary and expedient, has not found it in the line of that duty to urge upon us any special reasons why more than one of these should be admitted—and that the Territory of Kansas, under and subject to the Lecompton Constitution. He has seen fit to accompany this recommendation with an elaborate argument, which, if it has failed to convince the American people of the soundness and justice of the positions assumed, or of the allegations made, has nevertheless left them in no doubt as to what has been the origin and what are to be the consequences of that policy which makes Kansas and the Lecompton Constitution the peculiar objects of a solicitude not shared by any other Territory, or any other Constitution framed within its limits.

I desire to notice at this time, as briefly as may be, two points only, to the consideration of which the late special message of the President challenges our attention. The one is a question of law; the other a question of fact :

1. Does the Lecompton Constitution come here clothed with the authority of law ?

2. Does it come here as the choice of the people to be affected by it ?

I propose, at this time, to argue the first of

these questions as one of pure law ; and, therefore, for the sake of the argument and for the present, to yield all questions of fact, and to say that, if we admit the entire absence of fraud in the creation of the Territorial Legislature of Kansas, still the Lecompton Constitution comes here without the slightest authority of law, and has no higher sanction or just claim than merely the expressed wish of those who framed and sent it here. A reference to the message will show that the President has made his whole argument to rest and turn upon what he calls the legality of the Lecompton Convention and its work, the Lecompton Constitution. He puts aside all other agency than that of the law, and in this matter knows no people outside of this legal channel. He declares that a great portion of the people of Kansas have, for a long time, been in open rebellion against the Government under which they live; that nothing but military force has kept it down, and prevented its assuming and discharging the functions of government. This rebellion, he says, has taken on the form of the Topeka Constitution, and has assumed a revolutionary type. Over against these, the President sets another party, which he calls the law-abiding and law-loving people of Kansas, and who have been, according to him, carrying on the unequal contest of maintaining the law against rebellion and revolution, by the aid of Federal bayonets. And, in reference to this condition of things in the Territory, he asks these questions :

“ Such being the unfortunate condition of affairs in the Territory, what was the right, as well as the duty, of the law-abiding people ? Were they silently and patiently to submit to the Topeka usurpation, or adopt the necessary measures to establish a Constitution under the authority of the organic law of Congress ? ”

And he answers approvingly, that the Territorial Legislature passed a law creating a Convention clothed with power to frame a Constitution; and that the Convention thus created did, by virtue of the authority vested in it by that act, frame the Lecompton Constitution. And he concludes in these words:

"From this review it is manifest that the Lecompton Convention, according to every principle of constitutional law, was legally constituted, and was invested with power to frame a Constitution."

And that the Constitution and State Government, the work of that Convention, has been framed "in strict accordance with the organic act."

This proposition is the foundation of the President's whole argument; and all the other considerations urged by him are built upon this. If, therefore, this proposition be not true, then the whole foundation of the message fails, and it falls baseless to the ground. The inquiry, therefore, becomes a pertinent one, whence comes this legality? and from what source does this Constitution derive the authority of law?

The Lecompton Convention was the creature of the Territorial Legislature. It derived all its authority and power from that Legislature. No one ever claimed for it that it derived any power from the people outside of the forms of Territorial law; for to do that, would be to go to the same source from which the Topeka Convention derived its authority. And if it be "treasonable" for the one to drink at that fountain, it cannot be "legal" for the other to partake of the same poisonous draft. If, then, the Lecompton Convention derived all its power and authority from the Territorial Legislature, the question next arises, had the Legislature itself the power to clothe this Convention with authority to form a Constitution and State Government? Now, the Territorial Legislature derives all its power from the organic act. It can derive power from no other source; else it, too, will find itself going for authority to that treasonable source, the people, where the men of Topeka were debauched. In the organic act will be found both the creation and the measure of all legislative power in the Territory. And that act has defined and set limits to the power of the Legislature, which it creates, in express terms, beyond which it cannot go, in these words—section twenty-fourth of the act:

"The legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act."

I observed, some time since, that the gentleman from Mississippi, [Mr. LAMAR,] in an otherwise able argument which he addressed to us upon this point, when quoting this section, omitted the clause limiting the power of the Legislature by the provisions of the organic act, as well as by the Constitution—an omission,

in my opinion, fatal to his whole argument. This is his language in the *Globe*:

"In section twenty-four, it is further enacted 'that the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution.'"

But, sir, this section not only limits the power of the Legislature by the Constitution, but it imposes the further limit that all legislation shall also be consistent with the provisions of the act that created the Legislature. The one is just as clear, just as express, as the other. Every legislative act which conflicts with the organic law, is here made void for want of power in the Legislature; just as much, and for the same reason, that it would be void if it conflicted with the Constitution. The organic act is here made a part of the Constitution of the Territory, and is supreme over its Legislature. And this must have been so in the nature of things, in the absence of any provision in the organic law upon the subject. For either the organic act, or the Legislature, must be supreme; both cannot be. But the organic act created the Legislature, and could not therefore clothe it with greater power than itself had, and could not make it supreme over itself. But enough for us is the express limit found in so many words, and entirely overlooked, not only by the gentleman from Mississippi, [Mr. LAMAR,] but by the President himself.

Now, the organic act nowhere provides for its own subversion, or for the substitution of another Government in its place. It is the charter of the Territory, and is to be annulled only by the power which created it, acting upon it directly by repeal or modification, or indirectly by the admission of the Territory into the Union with a State Constitution, which is itself a repeal. It needs no argument to show that the Legislature could not delegate to a Convention powers which it did not itself possess. Nor does it admit of any greater doubt that to form a Constitution and State Government is to act inconsistently with the organic law. It is an attempt to transfer the executive and legislative power, the whole machinery of Government, into new hands, and if put in operation would subvert all Territorial rule. I have the authority of the President for this position, if there were room for question. He says, an attempt has been made to set up a Topeka Constitution which is "revolutionary" and "subversive of the Territorial Government;" and adherence to it is on that ground called "treasonable pertinacity." And the only reason why he does not find the Lecompton Constitution in the same category is, that in his opinion it has legislative sanction. I am inquiring whence that authority comes, and I deny its existence; for the Legislature is expressly prohibited its exercise.

\* Since the delivery of this speech, Mr. LAMAR has informed the speaker that the above omission was entirely a clerical one.

There is another clause in the organic act, often quoted, from which it is thought by some that authority is derived to form a Constitution and State Government without any farther enabling act. That clause is the celebrated one which "leaves the people thereof perfectly free 'to form and regulate their domestic institutions in their own way, subject only to the 'Constitution of the United States.'" Those who claim that, under this clause, the *Legislature* has authority to create a Convention clothed with power to form a Constitution and State Government, claim for the Legislature nothing less than power unlimited save by the Constitution of the United States, and forget that by a subsequent section the power of the same Legislature is restricted to consistency with the organic act precisely as it is to the Constitution. If the Legislature has power, under this clause, to initiate a State Government subverting the organic act itself, then it would have authority, under the same clause, to provide for the election of a Territorial Governor by the people, or to dispense with the presence of such a functionary altogether, or any of his official duties like the approval of an act of the Legislature. All this would be "their own way" of doing business, and would certainly be no more subversive of the organic act than the formation of an entirely new Government. Does any one claim, that if the Territorial Legislature of Kansas should declare that its acts should be valid without the approval of the Governor or a vote of two-thirds, such acts would be of any binding force? And why not? That would be "their own way." The answer is, that the organic law has taken this power away from the Legislature, and clothed the Governor with a veto upon all their acts, to be overridden only by a vote of two-thirds. So, too, has it taken away, or rather, never granted, the power to make a Constitution. If the organic act has created a Legislature supreme over itself, it is a *felo de se*. It was but at the beginning of this session, and in his annual message, that the President himself claimed that the full intent and force of this clause was exhausted by an offer to the people of a vote upon the question of Slavery merely, without, at that time, the slightest pretence that it had the force of an enabling act.

Whatever else, after all, may be "the true intent and meaning" of this clause of the organic law which has so puzzled the brains of politicians, it was never intended to make the Legislature "perfectly free;" for the power of that body is limited elsewhere, in express terms. And the perfect freedom here created is for "the people thereof;" not in or through their Legislature, which by the same law is not perfectly free, but limited and restricted. If, therefore, the Lecompton Convention gets legal existence and lawful authority from this clause, it is not through the limited powers of the Legislature which created it, and the forms of their

law which they had no power to enact, but through that perfect freedom of "the people thereof," outside of and above any Territorial enactment, which has been vouchsafed to that people by this clause of the organic act. And thus Lecompton, like Topeka, is driven, for its authority to make a Constitution, to the people, outside of Territorial enactment. In this particular, these two Constitutions take their stand side by side. If the one be "rebellious," "revolutionary," "treasonable," so is the other. Under and by virtue of any authority imparted to either by the organic act, or any of its agencies, they must stand or fall together. They are both nothing more nor less than manifestations to some extent—what that extent, as to each, may be, I shall inquire hereafter; but to some extent—of the popular will in the Territory, permitted by the organic act, as everywhere else under our free institutions, so long as they do not assume the functions of government in subversion of established laws.

I have inquired, not whether this Constitution comes here under the forms of law, but, rather, whether it is here clothed with the majesty and authority of law. I do not question any man's power to use the forms of law; but they are empty words, a dead letter, until the constituted authorities, with creative power, breathe into them the breath of life. The Kansas Legislature, as well as an individual, may put upon paper what it pleases; but whatever of its decrees conflict with the organic act, fall still-born; for it is forbidden, by the hand that created it, from impairing one jot or tittle of that charter. Nor do I question that the people of Kansas may form a State Constitution without further legislation by Congress, and be admitted into the Union under it, if that Constitution shall be "the sense of the people to be affected by it;" but not by means of any enactment of the Territorial Legislature having any force as law, for the Legislature is forbidden to speak authoritatively on that subject. The conclusion, therefore, is inevitable, that just so far as the Lecompton Convention claimed from legislative enactment authority to form a State Constitution, just so far it is without foundation. The attempt, therefore, in the message, to commend to us the Lecompton Constitution as the creature of law, and as an emanation from the lawful authority of the Territory, utterly fails; and the hideous deformities of that instrument stand forth in their nakedness, unclothed and unsupported by legal sanction. The law, thank God, has as yet refused to lend its instrumentality to this work—has, as yet, given no aid or comfort to this undertaking; and it must stand, if at all, on some other foundation.

But, sir, I have not quite done with this point. If further argument were necessary to show the utter failure of the attempt on the part of the President to bolster up this sickly instrument with legal sanction, it is furnished us in the means to which he resorts to maintain his

position. An honest argument is based upon an honest foundation. Reason and logic, as well as honesty, hold us to the truth just so long as the truth will serve our purposes; and when we turn our footsteps aside from her rugged pathway, we make proclamation to the world that we cannot reach our journey's end under her guidance. Now, by what process does the President undertake to convince us and the country that the Kansas-Nebraska act authorized the Legislature of Kansas to create the Lecompton Convention, clothed with power to frame a Constitution and State Government? Here are his words, in quoting from that law to sustain his position:

"That this law recognised the right of the people of the Territory, without any enabling act from Congress, to form a State Constitution, is too clear for argument. For Congress 'to leave the people of the Territory perfectly free,' in framing their Constitution, 'to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States,' and then to say that they shall not be permitted to proceed and frame a Constitution in their own way without an express authority from Congress, appears to be almost a contradiction in terms."

Now, I agree with the President, that there appears in this paragraph, as thus quoted, "almost a contradiction in terms." But something else appears in this paragraph, less excusable than a contradiction in terms—and that is an interpolation into the organic act. The words, "in framing their Constitution," which I have quoted from this message, are not to be found in the Kansas-Nebraska act, and have been here foisted in between the words of that act by the President himself. I will not stop to characterize such a proceeding in the terms which honesty and truth and justice demand—for I have to do, at this moment, merely with the legal argument of the President. And I say that the necessities of that argument required that something for its support should be put into the organic act not there before. Such a reading, unparalleled as it is in the history of official communications to Congress, would never have been resorted to but from the conviction of its author that there was nothing in the text without it to support the assumptions of the message. It is a proclamation, made in the fore-front of that remarkable document, that it cannot stand upon the statute as it is. I therefore summon the President himself upon the stand, and in this communication, which he has made to us, I produce his confession that he can find no law of the land upon which, as it is upon the statute-book, can this Lecompton Constitution be maintained.

And now, sir, I pass to the second subject of inquiry. If, then, the Lecompton Constitution does not come here recommended by the authority of law, I desire to know whether it comes here as the choice of a majority of the people of

that ill-fated Territory? I desire to know if the want of legal authority to frame this Constitution is cured, as it may be, by the fact that it is the voice of the people whose rights it assumes to regulate and control? Or, whether we are not called upon to force upon an unwilling, a protesting, and resisting people, a frame of government founded neither upon the law under which they live, nor the will of those on whom it lays its fetters?

This is a question of fact, and must depend upon the testimony; it is a question, too, which underlies all the others. To every one who believes that all Governments derive their just authority from the consent of the governed, no question can be raised in this controversy of greater magnitude than whether the frame of Government about to be fastened upon the people of Kansas has their assent, and embodies their will. All informalities may be waived, if it be but the people that speak. Compared with this question, it matters little where this Constitution originated—whether in the city of Washington or in the office of the Surveyor General of Kansas. But it does matter, unless we care to forego and forget the fundamental principle of all-free government, whether the people of Kansas, who are to live under this Constitution, desire it or not. One would suppose that, before recommending the admission of Kansas under and subject to this Constitution, the Executive would have spared no pains, nor omitted any effort, to have made certain, and communicated to this House, the one grand and transcendent fact, before which all opposition should have paled and cowered, that the people of the Territory *desire* to take upon themselves this as their organic law. Yet, sir, when we turn to the message for information upon this point, we find that the President has none to give. There is a great deal else in that document, but not one word on the question whether the people of Kansas really do or do not want this Government. There is much special pleading in it, as to how a people may seem to want what they really do not want—how they may be estopped from saying what they do want, and as to whose fault it is that this or that thing has been done, or has not been done—but not one word, from the beginning to the end of the message, which would indicate the President's own opinion upon this, the one great fundamental question in this controversy, whether the people of Kansas themselves have breathed the breath of life into this instrument—whether it stands forth clothed with the popular will, quickened by the pulsations of the popular heart, and speaking the popular voice. Nor has the President lifted his finger to ascertain from Kansas what is the popular will. He has communicated to the call of the Senate his correspondence with the Governors of that Territory, and the orders and instructions which have been issued to them. And there is not to be found among them all the

desire expressed, on his part, to know what is the real popular will is that Territory in reference to this instrument. In communicating this Constitution to us, with his recommendation that Kansas be admitted under and subject to it, he nowhere tells us that it is an emanation from the popular will, or that it is submitted to us in obedience to that will. On the contrary, he says he has received it from John Calhoun, and that John Calhoun hopes he will submit it to us. Here is his compliance with Calhoun's request:

"I have received from J. Calhoun, Esq., President of the late Constitutional Convention of Kansas, a copy, duly certified by himself, of the Constitution framed by that body, with the expression of a hope that I would submit the same to the consideration of Congress, with the view of the admission of Kansas into the Union as an independent State."

It is fit that such a man should be the bearer of such an instrument. "Fit head for fit body." The man who has been compelled to flee from the just indignation of the people he is betraying, guarded by United States dragoons; the man who dare not to-day show his head an hour in that Territory, except it be within a hollow square of soldiers, comes as near as any one man can of personifying the true relation between the people of Kansas and that Constitution. They hate him, as the chief instrument chosen by their oppressors to do their work, and they detest and loathe and hate this, the workmanship of his hands. Now, is it not a little remarkable that the Chief Magistrate of a people which achieved its national existence in the assertion of the principle that all authority over freemen obtains its life from the consent of the governed, should have had his mind so turned away from this, the true issue, as not even to have raised the inquiry, whether the people who are to live under this Constitution do themselves actually choose it or not? Is it not stranger still, that the ear of the President has become so dull to the key-note of that grand old anthem sung in Independence Hall, that he has never heard that, while we have been discussing this subject in this body, the freemen of Kansas have walked up to the ballot-box, ten thousand strong, and set the seal of their condemnation upon the very instrument he is urging us to impose upon the necks of the very people who have thus rejected it with scorn and contempt?

I cannot stop to criticize the President's excuse for not having heard of this judgment entered up against the Leecompton Constitution—that he "had received no official information" of it; nor to reconcile that excuse with what he does communicate that he has heard, transpiring at the same election: of a large majority of the opponents of this Constitution voting under it for State officers. Can he not hear of the one vote as well as the other, happening on

the same day? If he have any other ears than official ones, it may well be asked why they have not caught the thunder tones of the ten thousand majority against the Leecompton Constitution, as well as the insignificant inconsistency with which he has troubled himself of Free State men at that same election, in voting first against the Constitution, and then for officers under it. If this can reach him from unofficial sources, has he no ears to hear that other solemn, all-controlling adjudication of the whole people against this instrument?

But another chapter in this history here opens, as marvellous as any which have preceded it, and in perfect keeping with them all. In the profound silence of the message upon the expressed will of the people, in the strange revelations of the Executive documents that not a finger has been raised nor an ear opened to learn that will; and in the presence of that other fact, which has travelled here without executive aid, and in spite of executive documents piled up to wall it out, that the people have written on that instrument, in letters which will burn through it, that by ten thousand majority they have registered their vow that they will never submit to it; and have driven the guilty perpetrators of this outrage upon their rights in ignominious flight from their borders; amid all these facts, and allegations more serious, the friends of the Administration rush to the aid of the Executive in attempting to stifle all inquiry as to what all these things mean; and whether we are not called upon to fasten, by the strong arm of power, a Constitution, which they loathe and hate, upon a people who have a sacred right themselves to make the laws they are called upon to obey. There was a time when the Representatives of the people would have been as sensitive to such a touch as the apple of the eye. Now they are quick only to conceal it. But no subterfuge can change or blot out these facts. The solemn judgment of the people of Kansas is written on this Constitution, and will be known and read of all men. We may wrangle as long as we please, with dictionaries and tomes at our elbow, as to the effect of this vote upon the *legality* of the Constitution; but the proposition that the Legislature of Kansas cannot provide for "taking the sense of the people" upon that instrument, and that that sense, when taken, cannot be known, has foundation neither in law nor common sense. The Constitution may, nevertheless, stand. So will the "sense of the people" stand, and it will be known as the sense of the people. Whatever investigation you may resist or stifle here, it will in no way alter or wipe out these truths. This charge of attempting to force, at the point of the bayonet, a Constitution upon an unwilling people, is branded upon your brow, and the blood spilt in the work will be found on your own hands. It will be of very little use for you to cry,

"Out, damned spot!"

The potency of that party shibboleth—Democracy—may be again, for the thousandth time, invoked; the cry of popular sovereignty may be unceasingly rung; but the truth will remain unaltered, that, in the name of all these, Liberty has been trampled in the dust, and fetters forged for her unwilling limbs. In olden time, the philosopher was persecuted and beaten and cast into prison, till he was compelled to deny himself; but the earth moved on, nevertheless, and the great truths he had enunciated took upon themselves immortality, regardless of his own puny efforts to call them back. There is an immortality of infamy as well as of glory. No matter by what party thumbscrew you may subject the refractory, or by what arts you may ply the supple, till, by your votes, the record shall show no evidence of the foul wrong within this Hall; still it will work no change on these truths, and the outrage remains, nevertheless, bald and naked, never to pass out of sight till avenged or redressed.

This very attempt to stifle investigation and choke inquiry, is itself a confession. It is not because investigation will refuse, but because it will sustain these charges, that it is resisted. The reason why men love darkness rather than light is made no more certain by the pen of inspiration than by the course of the Administration upon this question. The very message under consideration contains ample proof, not only in what it takes vain care to conceal, but also in what it makes haste to communicate, of the truth of the charge of attempting, through the Lecompton Constitution, to crush out popular sovereignty and the right of self-government in Kansas, which is now laid at the door of this Administration. The President cannot state his case, but he states himself out of court. When he tells us that the people of Kansas are in a state of rebellion, and acknowledges the difficulty of making the American people realize the fact, attributing it to a great delusion, let him show what the people of Kansas have to rebel against, if they have been left "perfectly free to form their own institutions in their own way," and he will remove the delusion. Men do not rebel against themselves, nor the work of their own hands. When he tells us that the established order of things in Kansas "would have been long since subverted" by any portion of the people sufficient to subvert it, had it not been protected by United States bayonets, he proclaims, in the same sentence, that the power which created, as well as the power which sustains, that order of things, never emanated from the people of Kansas. For men do not pillage, nor pollute, nor pull down, the temple of their own rearing. When he announces that a form of government, twice ratified by the people, "is in direct opposition to the existing Government," and that it requires, to keep it down, the constant presence of United States dragoons in a Territory "left perfectly free" to manage its own affairs in its

own way, he confesses, in the same breath, that the standing army has been used to crush out the exercise of that right of self-government, the struggle to achieve which commenced in blood at Concord, and ended in triumph at Yorktown. Why is it that this home Government of ours does not require the constant presence of armed men to preserve and protect it? Why is it not necessary for the Chief Magistrate of the nation, when he goes forth upon the Avenue, to surround himself with *gens d'arme*, bristling with steel, to protect and rescue him from the deadly missiles of the populace? Why is it that the approaches to this Hall are not guarded by soldiers, between whose bayonets we might march in and out from our deliberations here, shielded from the passions of men without? Why is it that the Judiciary, from the highest tribunal at the Capitol to the humblest magistrate in the remotest hamlet, sits secure in the seat of justice, calmly deliberating and fearlessly pronouncing decrees to which all the people bow in silence? Why is it that a standing army, equal in numbers and power to the extent and greatness of this Government, is not spread over the land, from this centre to the outermost borders, to uphold, by its strong arm, the authority of law, and to awe by its imposing presence the people into submission? The answer to all this is apparent; and I invoke its application to Kansas. The strength of this Government is in the consent of the governed. Without this all pervading element, it could not survive an hour. The fair fabric would tumble in ruins over our heads, and the bonds which bind us together would part like smoking flax. No matter in what garb this Constitution comes here, nor from what authority it professes to emanate, if it requires the continual presence of the army to preserve and protect that authority among the people of Kansas, then, I say, it never came from that people. When, therefore, the President declares, in this message, that the army is necessary to maintain that authority, he confesses that the people never breathed into it the breath of life, and all the world will enter up judgment upon that confession.

The Lecompton Constitution, therefore, comes to us without the sanction of legal authority; and equally without that other sanction—the will of the people—which, under the circumstances, is higher and more sacred than all the forms of law. Without this seal, I cannot take it; without this baptism, I can hold no communion with it; and without this avowing, I eschew it.

Now, sir, the real reason why this Constitution is thus urged upon us, is just as apparent as the falsity of the pretended one. It banishes free institutions, and forever fastens Slavery upon that virgin soil. No man who has eyes to see, or ears to hear, need fail to understand, whether it be to justify or to condemn. No man can longer doubt, but at the expense of

his common sense. I can understand and appreciate the zeal of Southern men for the consummation of this work. It is the legitimate fruit of Slavery. That institution can bear no better. And when a man has lived all his life among slave institutions, and has never seen the effect of freedom upon the whole man—physical, intellectual, and moral—never himself breathed the invigorating atmosphere of free institutions—I can understand how such a man may come to actually believe that the forms of “a republican Government, surrounded by slave institutions, would be the highest type of civilization.” [Mr. LAMAR.] And I may respect him for the frankness of the avowal, however much I may regret the misfortune of his life which has led to such convictions. I can even hear from the lips of a man of such an education and life, that he has “a sovereign contempt for the memory of the Pilgrim Fathers,” [Mr. SHORTER,] with no other emotions than the one of pity for him, and the other of gratitude to God, as one of the descendants of that immortal band, that their memory *does merit* the contempt of the lords of the lash and the founders of a colored aristocracy. But I fail to comprehend how it is possible for a man now in the decline of a life which had its origin in one of the noblest of the free States—who was reared under the shadow of free institutions—has watched their growth in all that makes a State great and glorious—has witnessed, under their expanding influence, Commonwealths spring out of the wilderness into the full maturity of manhood, guarantying to all the people thereof the God-given rights of freemen, all the branches of industry taking life and bearing fruit in their soil, and comfort and competence smiling on every hearthstone in all their borders—I say, I cannot understand, it is utterly incomprehensible to me, how such a man, false to all these noble affinities, can undertake, from high position and power, to crush out free institutions, and force in their stead, upon an unwilling and resisting people, Slavery, with all its attendant train of curses and woes and misery.

The gentleman from Virginia, [Mr. CLEMENS,] in an effort to turn public attention away from the astounding doctrines of this message by eloquent personal eulogy, told us imploringly that the President “is now upon his political trial.” I wish this were so, and this were all. But, sir, you put the President on his political trial for years before you clothed him with power to do this work. And he long since gave indubitable proof that he could be trusted for the accomplishment of any work that Slavery should demand at his hand. And then it was, but not till then, that he was permitted to wear the imperial purple. There is, nevertheless, a trial of quite another sort. More than one hundred thousand freemen in Kansas, and the institutions under which they and their children are to live till the remotest generation, and till mil-

lions shall people that fair land, making it, for good or for evil, a Power upon the earth, are this day on their trial. And yet we are told in the message that this trial is of “not the slightest importance” to them, and is a “cause, so far as the interests of Kansas are concerned, more trifling and insignificant than has ever stirred the elements of a great people into commotion.” The answer of the President, when it is shown that half the counties of that great Territory have been disfranchised, is that they were only “a comparatively few voters.” And the cool reply from the same high source to all opposition is, that “the affairs of this Territory have already engrossed an undue proportion of public attention;” and the people whom this decision affects are only “a few thousand inhabitants of Kansas!”

And in betrayal of this people the message bids us, who are bound by the high behests of duty, let the consequences be what they may, to take counsel of our fears. It tells us that, unless we now consummate this outrage which has been ripening under the fostering care of the Executive for years, “no man can foretell the consequences;” that “agitation upon this dangerous subject will be renewed in a more alarming form than it has ever yet assumed;” that just in proportion as this question is insignificant to the few thousand people of Kansas, who detest this Constitution, “for this very reason”—that is, because it is an insignificant question—

“The rejection of the Constitution will be so much the more keenly felt by the people of fourteen of the States of this Union where Slavery is recognised under the Constitution of the United States.”

I wish, in passing, to inquire which of the fifteen slave States it is whose people have been counted out here, and have determined not only not to dissolve the Union, but not even to “feel keenly” if this foul scheme shall fail. Perhaps the Representatives of that State here can inform the country. And, lastly, we are told by the President, that unless this bald crime against human rights shall be perpetrated, “dark and ominous clouds,” which he seems to see already “impending over the Union,” are to “become darker and more ominous than any which have ever yet threatened the Constitution and the Union.” I do not share these fears of the President—I do not see these clouds. I shall be slow to believe that the perpetuity of this Union requires the sanction of this fraud. But if I did share these fears, I should be derelict of duty if I took counsel of them. If I saw these clouds, I should still find no justification for the abandonment of right, in the apprehension that else they might break over my head. This doctrine has been preached to us quite too often already—it was never sound, and has begotten many a peril, without ever averting a single one. It can answer no further ends.

The President's hopes, too, are as vain as his

fears. How empty the expectation that "domestic peace will be the happy consequence of this admission," or that it "would restore peace and quiet to the whole country," or that the troops of the United States could then be withdrawn from Kansas. Peace comes not of schemes thus founded in wrong, and carried out by fraud and force. Commotion and conflict more terrible than those which have already shamed and shocked the country, will be the fruit gathered of such a sowing. "He that soweth the wind," shall most assuredly "reap the whirlwind." You may cry peace! peace! but to you, who daub with this untempered mortar, there can be no peace.

Does the President hope, before the bar of inexorable Justice, to escape the sure condem-

nation of one who, with full knowledge of fraud, aids in its consummation—of one who feeds and fattens and hugs to his bosom the perpetrators of robberies, of rapes, and of murders, while their hands are still reeking with crime? He knows the foul wrongs which gave birth to this Constitution, and the infamous outrages upon which it has fed; and, with full knowledge, by this message he adopts and makes them all his own. Thus, voluntarily taking upon himself the responsibility for all the black and damning plots and schemes and frauds and crimes which have brought the Lecompton Constitution here, he goes for trial before that august tribunal, the American People, and I patiently await the verdict.

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